

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**IN RE:  
CAROL S WAGGENER  
DEBTOR**

**CASE NO. 21-30346  
CHAPTER 7**

**RESPONSE TO TRUSTEE'S APPLICATION FOR AUTHORITY AND APPROVAL TO  
EMPLOY ZACHARY BRITT OF THE MOSER GROUP, INC. AND APPROVE  
LISTING AGREEMENT FOR SALE OF REAL PROPERTY**

**COMES NOW**, Wells Fargo bank, N.A., (herein, "Creditor") by and through undersigned counsel, and hereby responds to the Trustee's Application For Authority And Approval To Employ Zachary Britt Of The Moser Group, Inc. And Approve Listing Agreement For Sale Of Real Property filed on November 4, 2021 and in support thereof, shows unto the Court as follows:

1. On or about November 4, 2021, the Trustee filed a Trustee's Application For Authority And Approval To Employ Zachary Britt Of The Moser Group, Inc. And Approve Listing Agreement For Sale Of Real Property [Doc.28] (herein, the "Motion") requesting approval for the sale of certain real property located at 128 Wonderwood Dr, Charlotte, NC 28211 (herein, the "Real Property").

2. Creditor holds a security interest in the Real Property based upon the following:

a. That certain Home Equity Account Agreement dated January 7, 2016, executed by Carol Waggener and in the original balance of \$125,000.00.

3. Creditor does not oppose the sale of the Real Property provided that any order permitting the same provide for the following:

a. That Creditor must receive payment in full of contractual balance of the Obligation.

b. That the closing of such sale must be preceded by a proper and updated payoff quote provided by Creditor.

c. In the event that a short payoff is requested, that the approval of such amount is subject to Creditor's final approval.

- d. That the deadline for the sale closing and receipt of funds to Creditor should be within 90 days from the date of the Order.

**WHEREFORE**, based upon the foregoing, Creditor respectfully requests that any order permitting the sale of the Real Property condition the same upon the conditions set forth above and for any other relief the Court deems just and proper.

This 12th day of November, 2021.

/s/ Gentry Collins

Gentry Collins

(Bar No. 57135)

Attorney for Creditor

BROCK & SCOTT, PLLC

8757 Red Oak Blvd Ste 150

Charlotte, NC 28217-3977

Telephone: 704-369-0676

Facsimile: 704-369-0760

E-Mail: ncbkr@brockandscott.com

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and exact copy of the foregoing Response To Trustee's Application For Authority And Approval To Employ Zachary Britt Of The Moser Group, Inc. And Approve Listing Agreement For Sale Of Real Property has been electronically served or mailed, postage prepaid on November 12, 2021 to the following:

Via CM/ECF electronic notice:

Anna S Gorman, Esq.  
521 E. Morehead St.  
Suite 440  
Charlotte, NC 28202  
*Counsel for Debtor*

A. Burton Shuford  
4700 Lebanon Road,  
Suite #A-2  
Mint Hill, NC 28227  
*Chapter 7 Trustee*

U.S. Bankruptcy Administrator Office  
402 W. Trade Street, Suite 200  
Charlotte, NC 28202  
*U.S. Trustee*

Via First Class Mail:

CAROL S WAGGENER  
819 TERRACE PARK  
ROCK HILL, SC 29730-4222  
*Debtor*

/s/ Gentry Collins  
Gentry Collins  
(Bar No. 57135)  
Attorney for Creditor  
BROCK & SCOTT, PLLC  
8757 Red Oak Blvd Ste 150  
Charlotte, NC 28217-3977  
Telephone: 704-369-0676  
Facsimile: 704-369-0760  
E-Mail: ncbkr@brockandscott.com